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COMMITTEE ON ARMED SERVICES

U.S. House of Representatives

Washington, DC 20515-6035

ONE HUNDRED FOURTEENTH CONGRESS

February 3, 2016

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ROBERT L. SIMMONS, II, STAFF DIRECTOR

President Barack Obama
 1600 Pennsylvania Avenue
 Washington, D.C. 20500

Dear Mr. President:

Secretary Carter has stated that he has sent you a revised plan to close the detention facility at the United States Naval Base, Guantanamo Bay, Cuba (GTMO). However, press reports suggest that the plan will not include many of the details required by law to be submitted to Congress, such as listing the specific U.S. facilities where detainees would be held and a full cost estimate.

As you know, section 1035 of the National Defense Authorization Act (NDAA) for Fiscal Year 2016 (Public Law 114-92) requires the Secretary of Defense to submit to Congress a comprehensive strategy for the detention of current and future individuals captured and held pursuant to the Authorization for Use of Military Force. Section 1035 further requires a report on the details of the strategy and directs that a specific set of elements be addressed in that report. The report is due by February 23, 2016.

The specific elements required in the report include the following:

- The specific facility or facilities that are intended to be used to hold individuals.
- The estimated costs associated with the detention of individuals, including the costs of:
 - improvements, additions, or changes to each facility;
 - construction of new facilities, if any;
 - maintenance, operation, and sustainment of any such facility;
 - security;
 - military, civilian, and contractor support personnel; and
 - other matters associated with support of detention operations.
- A plan for the disposition of detainees if the authority to continue detaining an individual were to expire, and an assessment of possible actions that could be taken to mitigate any adverse implications of such a scenario.
- A plan for the disposition of individuals currently detained at GTMO.
- A plan for the disposition of future detainees.

President Barack Obama

February 3, 2016

Page 2

- The additional authorities necessary to detain an individual pending the end of hostilities or a future determination that such individual no longer requires continued detention.

So far, the only communication Congress has received regarding the administration's intention to comply with its legal obligations is Secretary Carter's recent public statements. To be clear, failing to comply with the law would not advance your objective of closing the detention facility at GTMO. As the due date for the required report approaches, I urge you to ensure that it provides all of the information required by law. This information is critical for Congress to evaluate the merits of the plan.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mac 7LH', is written over the printed name.

William M. "Mac" Thornberry
Chairman

WMT:pmt